

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Hiroshi Yahata, et al.

Serial No.: 10/561,087

Filed: December 16, 2005

For: RECORDING MEDIUM, RECORDING  
METHOD, REPRODUCTION  
APPARATUS AND METHOD AND  
COMPUTER-READABLE PROGRAM

Patent Examiner: Wendmagegn, Girumsew

Group Art Unit: 2621

**37 CFR § 1.131 DECLARATION OF JOSEPH MCCROSSAN**

I, Joseph McCrossan, declare as follows:

1. I am a co-inventor of an invention for Recording Medium, Recording Method, Reproduction Apparatus and Method and Computer-Readable Program as disclosed in U.S. Application Serial No. 10/561,087 along with Tomoyuki Okada, Hiroshi Yahata and Wataru Ikeda.

2. I am also a co-inventor of an invention entitled Recording Medium, Reproduction Apparatus, Recording Method, Reproducing Method, Program and Integrated Circuit of a PCT Application Publication WO 2004/098193 A2 along with Tomoyuki Okada and Tomoki Ogawa.

3. My work was performed as an employee associated with Matsushita Electric Industrial Co., Ltd., the assignee of the above identified application.


4. The invention that I and Mr. Okada worked on included the provision of a graphic stream with a sequence of a plurality of packets containing control information. The control

information could indicate when graphic data contained in a proceeding packet in the sequence could be displayed at a predetermined time in a state of being overlaid on the video stream. The control information could designate coordinates of a Window to provide a convenient manner of permitting a reproduction apparatus to combine graphics with pictures to lessen the load of software on the reproduction apparatus. Mr. Okada and I further provided a timeline, such as EPOCHS, a memory for storing a graphics plane for a screen and an object buffer that could store the decompressed graphics data for implementing our invention. We also provided specific Display Sets including not only the EPOCHS start, but an Acquisition Point and a Normal Case to enable the realization of the invention defined in the claims at issue.

5. The Office Action of July 12, 2007 rejected claims 1-3, 6-9, and 12-15 by citing Figures and teachings from the PCT Publication No. WO 2004/098193 A2 under 35 USC § 102(e). The information set forth and disclosed in the corresponding Figures and specification relied upon in the Office Action to reject the claims at issue including, but not limited to, Page 3 lines 11-22, Page 11 line 28 to Page 12 line 4, Page 13 line 22 through Page 14 line 28, Page 44 line 4-6 and Page 45, lines 7-10 represents the work of myself and Tomoyuki Okada that also contributed to an effective priority date for WO 2004/098193 A2. Our work on this invention was reduced to written form and recorded in the United States Patent Office as US Provisional Application No. 60/465,972 on April 28, 2003. Further, it is believed this information of record in the US Patent Office more than adequately establishes an enabling of a reduction to practice of the invention or at least a conception of the claimed invention that we subsequently diligently pursued by the preparation and filing of US Provisional Application 60/483,228 on June 8, 2003 which application was a basis of the current application in prosecution.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed on 4th DECEMBER, 2007, at Simi Valley, California.

  
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Joseph McCrossan